THE HON'LE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.10618 of 2006

DATED: 15.06.2006

Between:

S.D.S.Babji, Proprietor of

M/s.Om Ganga Mineral Water,

Bhavaninagar,

Tirupati town, Chittoor District.

.. PETITIONER

Versus

The General Manager, District

Industries Centre, Chittoor. .. RESPONDENT

WRIT PETITION NO.10618 of 2006

ORDER:

Heard Sri V.Eswaraiah Chowdary, learned counsel for the petitioner and the learned Government Pleader for Industries appearing for the respondent.

2. The Writ Petition is filed praying for a Writ of Mandamus or any other appropriate writ, direction, order or orders declaring the action of the respondent in issuing notice in his proceedings No.RC.No.410/A3/2006, dated 15.5.2006 to the petitioner to stop the packaging and selling of mineral water in the industry which is located at premises i.e., 4-3-492, Giripuram, Tirupati, as wholly arbitrary, illegal and consequently direct the respondent not to interfere in the petitioner's business of packaging and selling mineral water from the premises No. 4-3-492, Giripuram, Tirupati, and pass such other suitable orders.

3. It is stated that the petitioner had obtained permanent registration of small industries and the petitioner-company also got registered with Commercial Tax and

Sales Tax Department. It is further stated that the respondent had issued a notice to the petitioner-company directing the petitioner to stop the unit from packaging and selling mineral water on 24.5.2006.

4. It is not in serious controversy that the petitioner had not obtained BIS Certificate (ISI) as required under clause 28 of Rule 49 of Prevention of Food Adulteration Rules, 1955. The other factual details narrated need not be gone into at length.

5. The learned Government Pleader had placed before this Court the Judgment of a Division Bench of this Court dated 30.9.2004 made in Writ Petition Nos.5086 of 2001 and batch. In the facts and circumstances and taking into consideration the situation in which the petitioner is placed, this Court is of the considered opinion that it would be just and proper to give reasonable time to the petitioner to obtain BIS Certificate (ISI) as required under clause 28 of Rule 49 of Prevention of Food Adulteration Rules, 1955. Hence, the petitioner is hereby granted four (04) months time to obtain Certificate aforesaid from the date of receipt of a copy of this order, and till then the respondent is directed not to interfere with the petitioner's business in packaging and selling mineral water from the premises 4-3-492, Giripuram, Tirupati.

6. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

15.06.2006

SSR

Issue order copy in three days.

(BO)